

Packet

Service

Contents

- ❖ Overview
- ❖ Forms
 - Admission of Service
 - Affidavit of Service
 - Affidavit of Mailing
- ❖ Waukesha County Sheriff Department's Civil Process Service FAQ's

Overview

“Service” or “service of process” are the legal terms used to describe the act of giving notice of a lawsuit or court hearing to another person. There are several different methods and very specific time limits by which you must have the other party served. The type of service you are required to use depends on the type of action you are filing. If you do not have the other party served properly (within the correct time limits and using the correct method), the court cannot hear or decide your case.

Notice: This packet describes only the most common methods of service available for use. It does not describe every method. Please seek legal assistance if you would like to explore additional/alternative methods.

Court Self-Help Form	Required Type of Service	Number of Days Before Court Date by which Service is to be completed
Summons and Petition	Personal	90 Calendar days
Order To Show Cause	Personal	5 Business days
Notice of Motion and Motion	Mail or Personal	5 Business days
Request for DeNovo Hearing	Mail * See De Novo Packet for exceptions	5 Business Days
Order To Appear	Personal	24 hours if within Waukesha County 48 Hours if NOT in Waukesha County
Subpoena	Personal	10 Business days

NOTE: If you are unable to serve the other party within the required time limits, you may write a letter to the court requesting a different court date. You must then have the other party served with the new court date.

WARNING: Copies, NOT original documents, should only be given to the other party. The originals (if in your possession) and proof of service need to be returned to court after the other party has been served.

Personal Service

There are **five** basic ways to have the other party personally served:

1A. Admission of Service (for the other party)

You may give the documents to the other party and **ask** that he/she voluntarily accept the papers from you. If the other party agrees to accept the documents, you need to:

- Complete the caption.
- Have him/her complete and sign the bottom of the **Admission of Service** form.
- Send or deliver the **Admission of Service** form and a set of the documents served, as soon as possible to the Family Court Office, Room C-112. Remember to keep a copy for your records.

If the other party will not voluntarily accept the papers from you, or you do not wish to have contact with the other party, you must have the other party served using one of the other methods described below.

1B. Admission of Service (for the State of Wisconsin)

If the State of Wisconsin is a party to the action, you must serve the Waukesha County Child Support Division by following the steps below.

- Complete the caption.
- Take a copy of the forms to be served to the Administration Center, Room 348 (1320 Pewaukee Rd.).
- Ask a representative from the Child Support Division to provide an **Admission of Service** and complete, date, and sign the bottom.
- Return the completed original **Admission of Service** form to the Family Court Office (Room C-112) as proof of service (keep a copy for your records).

2. Sheriff's Department

A **Sheriff's Department** may serve the other party. Answers to the **Waukesha County** Sheriff Department's Frequently Asked Questions are included on the last page of this packet. Proof of service and a set of the original documents must also be returned to court if you use this method.

3. Private Process Server

You may make arrangements with a private **Process Server** to have the other party(s) personally served. Contact individual companies for fees and procedural information. To find a private process server in your or the other party's area, you may look under "Process Service" using a phone or internet directory. Proof of service and a set of the original documents must also be returned to court if you use this method.

4. **Third Person Service**

A **third person** (friend or relative) who is over 18, not a party to the action, a resident of Wisconsin, and able to follow instructions, can also serve the other party.

- **You:** complete the caption.
- **Friend or Relative:** Gives a copy of the paperwork to the other party.
- **Friend or Relative:** Completes the **Affidavit of Service**.
- **Friend or Relative:** Signs it in the presence of a notary public.
- **You:** Return the **Affidavit of Service** and a set of the original documents to the Family Court Office as soon as possible.

LAST RESORT

5. **Service by Publication**

Service by Publication is a **last resort** and can **only** be used if you failed to have the other party served by one of the methods above. You have a responsibility to make every effort to make personal service if possible, which includes gathering reasonably available information from family and friends to try and determine the other party's location.

You should seek legal assistance to discuss the option of **Service by Publication** only if you can answer yes to all of the following:

- You have tried personal service through the Sheriff's Department or a Private Process Server, and
- You have given them as much information as possible to help them find the other person, and
- The Sheriff's Department or Process Server cannot find the other person after a diligent search, and
- You have been given an **Affidavit of Due Diligence/Not Found** stating the other person could not be found. Keep this affidavit.

Before attempting this last resort, you should seek legal assistance. There are specific and complicated rules that must be followed to successfully serve a party by publication.

Service by Mail

Delivering the documents to the other party by mail is acceptable for certain types of actions. If service by mail is acceptable for your type of action, you must:

- Mail copies of the documents to the other party(s).
- Sign a sworn affidavit called the **Affidavit of Mailing** in the presence of a Notary Public.
- Return the **Affidavit of Mailing** and a set of the original documents to the Court..

CAUTION: Some Judges may require personal service under certain circumstances.

In re the ☐ Marriage ☐ Paternity of _____:
(initials)

_____,
PETITIONER / Joint Petitioner

and

_____,
RESPONDENT / Joint Petitioner

Admission of Service

☐ STATE OF WISCONSIN is NOT a party
☐ STATE OF WISCONSIN IS a party

Case # _____

I (party accepting service) _____
(First) (M.I.) (Last)

☐ on behalf of the State of Wisconsin (only for State's representative)

admit to having voluntarily received a copy of the following documents (please list):

Copies of these documents remain in my possession.

Dated this _____ day of _____, 20____.
(Day) (Month) (Year)

Signature of party accepting service

In re the ☐ Marriage ☐ Paternity of _____:
(initials)

Petitioner / Joint Petitioner

and

Respondent / Joint Petitioner

Case # _____

☐ STATE OF WISCONSIN is NOT a party

☐ STATE OF WISCONSIN IS a party

Affidavit of Service

I am an adult resident of the State of Wisconsin and not a party to the above referenced action.

I hereby certify that on _____, 20____
(Month) (Day) (Year)

in the municipality of _____,
(City/Village/Town)

in the county of _____, WI
(County)

I duly served _____
(First) (M.I.) (Last)

at the following address _____, Apt # _____
(Street Address)

_____, _____, _____
(City) (State) (ZIP Code)

a copy of the following documents: (please list)

At the time of service, I left a true and correct copy of those documents with the person served.

Signature of Server

Subscribed and sworn to before me
this _____ day of _____, 20____.
(Day) (Month) (Year)

Notary Public, State of Wisconsin

My commission expires: _____

In re the ☐ Marriage ☐ Paternity of _____:
(initials)

Petitioner / Joint Petitioner

and

Respondent / Joint Petitioner

Case # _____

☐ STATE OF WISCONSIN is NOT a party

☐ STATE OF WISCONSIN IS a party

I _____ hereby certify that on _____, 20____
(Your Name) (Month) (Day) (Year)

I placed a copy of (list forms) _____

in an envelope with proper postage and mailed it from the

municipality of _____,
(City/Village/Town)

addressed to _____
(First) (M.I.) (Last)

at the following address _____, Apt # _____
(Street Address)

_____, _____
(City) (State) (ZIP Code)

Signature of Person Mailing Documents

Subscribed and sworn to before me
this _____ day of _____, 20____.
(Day) (Month) (Year)

Notary Public, State of Wisconsin

My commission expires: _____

WAUKESHA COUNTY SHERIFF'S DEPARTMENT

CIVIL PROCESS SERVICE

Frequently Asked Questions

How Much Does It Cost To Have Documents Served By The Sheriff's Department?

The Sheriff's Department charges **\$45.00 for every three (3) service attempts** upon individual's within Waukesha County and \$22.50 for each additional named party at the same address. After the 6th attempt, the customer will be contacted to see if additional attempts are desired. If so, the fee will be \$45.00 for the next additional three (3) services attempts until the paper is served or the customer no longer desires service.

The fee may be waived if the court grants a **Waiver of Filing and Service Fees** (available in the Courthouse, Room C-108) and a copy of the signed Waiver is provided to the Sheriff's Department.

In What Form Does The Sheriff's Department Accept Payment?

The Sheriff's Department accepts payment in the forms of cash, check, or money orders. Sorry, the department **does not** accept credit cards or debit cards.

Will The Waukesha County Sheriff's Department Serve An Individual Who Does Not Live In Waukesha County?

No; however, they can provide you with an address and telephone number for the Sheriff's Department of the correct county.

Does the Sheriff's Department charge another fee for each time they attempt to serve the other party?

The Sheriff's Department charges one fee for process service. **They do not charge per attempt.**

Where Is The Sheriff's Department Process Division Located?

The Sheriff's Department is located directly behind the courthouse and directly downstairs from the Jail. From Moreland Boulevard, go south on Riverview Avenue and follow the signs to the Justice Center. To get to the Process Division, enter the building through door number 8, and go to the middle window marked Civil Process/ Warrants.

What Do I Need To Prepare To Have Documents Served By The Sheriff's Department?

Please provide the following information:

- Two copies of the documents to be served: one set of documents to serve on the individual and one copy for the Sheriff's Department to return to the courts (if it is a Waukesha County document). Please make sure the papers are legible.

- Last known address of the party you wish to serve (also include a work address if possible). Let the Sheriff's Department know if you are unsure of an address. Deputies are able to do post office checks to see if there is a last known address. If they find one, and it is in Waukesha County, they will serve the requested documents. If you feel the individual may avoid service, or if you are unsure of the address, forms are available in the Sheriff's Department for you to complete to assist the Sheriff's Department.

How Do I Arrange To Have The Sheriff's Department Serve Documents On Another Party?

There are three ways to request the Sheriff's Department to serve the other party:

Between 8:00 a.m. and 4:30 p.m.

In Person: Take the documents to be served to the Sheriff Department's Process Division. Provide the clerk with the address to which you want the documents to be served. He/she will calculate the amount due and take your payment.

Anytime other time (24hrs)

In Person: You may deliver the documents to be served, along with exact payment, to the end window marked Administration. An on-duty deputy will take the documents to be served along with exact payment. You must leave your name, telephone number, address, and the address at which you want the papers served. The deputy will not issue you a receipt at that time, but a receipt will be issued and mailed to you once service is complete.

By Mail: Depending on your court date, you may also call for payment information and mail to the Sheriff's Department the payment and documents to be served. Be sure to also include your name, telephone number, address, and the address at which you want the papers served.

What If The Deputy Cannot Find The Other Party To Serve The Documents?

The Sheriff's Department does its best to serve papers in a timely manner; however, some individuals avoid service or cannot be found. If either of those situations exists, the Sheriff's Department will send to you an **Affidavit of Due Diligence/Not Found**, which will state why they were unable to make service. If the last known address is located in another county, the Sheriff's Department will provide to you an **Affidavit of Due Diligence/Not Found** with the correct address listed on it.

What Happens After The Other Party Has Been Served?

If the case was filed in Waukesha County, the Sheriff's Department will send a copy of the documentation, with an attached **Affidavit of Service**, to the Waukesha County Family Court Office. If the case was not filed in Waukesha County, the Waukesha County Sheriff's Department will send the documentation, with the **Affidavit of Service**, to you directly. You must remember to file these documents in the Family Court Office of the County in which the case is located.

**If you have additional questions please call
Kathy @ (262) 548-7151 or Michelle @ (262) 548-7152**

Monday-Friday 8:00 a.m.- 4:30 p.m.